

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

STENIO DESOUZA and RAQUEL DESOUZA)	
)	C.A. 05-787 -SLR
Plaintiffs,)	
)	
v.)	
)	
PETTINARO CONSTRUCTION CO., INC. et al.,)	
)	
Defendants.)	

**MOTION OF DEFENDANT LANDMARK ENGINEERING, INC.
TO COMPEL THE PLAINTIFFS TO
ANSWER INTERROGATORIES**

Defendant, Landmark Engineering, Inc., by its undersigned attorney, Robert Ardizzi, hereby moves this Court pursuant to F.R.C.P. 37 to compel the Plaintiffs to provide answers and documents in response to Defendant's Interrogatories. In support of this motion, Defendant avers the following:

1. On November 17, 2006, the undersigned on behalf of Defendant Landmark Engineering, Inc. served Interrogatories on counsel for the Plaintiffs. A true and correct copy of the Interrogatories and Certificate of Service are collectively attached hereto as Exhibit "A" and made a part hereof.
2. Pursuant to F.R.C.P. 33(b)(3), the Plaintiffs were required to answer the Interrogatories within thirty days of the date of service.
3. The Plaintiffs failed to answer the Interrogatories within thirty days of the date of service.
4. On January 3, 2007, the undersigned sent a letter to counsel for the Plaintiffs requesting the answers to the Interrogatories by January 19, 2007 "so that [the undersigned] may

avoid filing a motion to compel their production”. A true and correct copy of said letter to counsel is attached hereto as Exhibit “B” and made a part hereof.

5. The January 3, 2007 also informed counsel for the Plaintiffs that Landmark intended to file a motion for summary judgment and needed the answers to the Interrogatories in that regard.

6. The January 3, 2007 letter also stated that the undersigned and Landmark were willing to meet with counsel for the Plaintiffs, formally or informally, to demonstrate that Landmark had no liability for the Plaintiffs’ claims.

7. To date, the Plaintiffs have not responded to the letter in any way and have not produced any answers to the Interrogatories.

8. Pursuant to F.R.C.P. 37, Landmark is entitled to file this motion to compel the Plaintiffs’ to answer the Interrogatories.

WHEREFORE, Defendant Landmark Engineering, Inc. respectfully requests this Court to enter an Order compelling the Plaintiffs to answer the Interrogatories within twenty (20) days of the date of the Order.

DAVIS, BUCCO & ARDIZZI

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